

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDRE ROBERTS,

Defendant.

No. 10-CR-116-LRR

ORDER

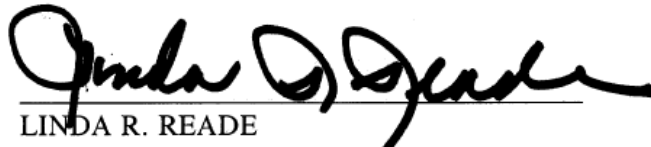
The matter before the court is Defendant Andre Roberts's Objections (docket no. 43) to United States Magistrate Judge Jon S. Scoles's Report and Recommendation (docket no. 40), which recommends that the undersigned deny Defendant's Motion to Suppress ("Motion") (docket no. 16).

When a party files a timely objection to a magistrate judge's report and recommendation, "[a] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 29 U.S.C. § 636(b)(1); *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003); *see also* Fed. R. Crim. P. 59(b)(3) (stating "[t]he district judge must consider de novo any objection to the magistrate judge's recommendation"). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also* Fed R. Civ. P. 59(b)(3) (stating a district judge "may accept, reject, or modify the recommendation, receive further evidence, or resubmit the matter to the magistrate judge with instructions"). It is reversible error for a district court to fail to engage in a de novo review of a magistrate judge's report when such review is required. *Lothridge*, 324 F.3d at 600. Accordingly, the court has reviewed the entire record de novo.

After de novo review, the court agrees with Judge Scoles's conclusion that the Motion is "wholly with out merit." Report and Recommendation at 8. Accordingly, the Report and Recommendation is **ADOPTED**. Defendant's Objections are **OVERRULED**. The Motion is **DENIED**.

IT IS SO ORDERED.

DATED this 26th day of May, 2011.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA